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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,954	07/11/2001	Hagen Eckert	4100-0127P	6066

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EXAMINER

ODOM, CURTIS B

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 07/14/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/856,954

Applicant(s)

ECKERT, HAGEN

Examiner

Curtis B. Odom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because all elements of each drawing figure are suggested to be labeled (See Figs 1 and 2). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because of the following informalities:

a. On line 3, the phrase “in an arrangement” is suggested to be changed to “An arrangement”.

b. On lines 7-10, the phrase “and in which the measuring signal that is filtered... is evaluated in a following evaluation circuit (4), the output signal...”, is suggested to be changed to “and in which measuring signals are output from the demodulator, wherein a first measuring signal is filtered in a reference filter and a second measuring signal is filtered using a weighting filtered function, both measuring signals are then evaluated in a following evaluation circuit (4). The second measuring signal...”

c. Delete line 17 (Fig. 2).

Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

a. On page 1, line 29, the phrase “receive filter” is suggested to be changed to “receive filter 1”.

b. On page 1, line 37, the word “quantisation” is suggested to be changed to “quantization”.

c. On page 2, line 12, “the weighing standard” is suggested to be changed to “a weighting standard”.

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d. On page 2, line 17, "the desired weighting function" is suggested to be changed to "a desired weighting function".

Appropriate correction is required.

Claim Objections

4. Claims 1-4 are objected to because of the following informalities:

- a. The reference numbers are suggested to be deleted.
- b. In the first line of each claim "Arrangement", is suggested to be changed to "An arrangement".
- c. In claims 1-4, the word "characterized" is suggested to be changed to "characterize".
- d. In claim 2, line 20, the phrase "weighting filtering" is suggested to be changed to "weighting filtering function".
- e. In claim 3, line 27, the phrase "the supplied signal" is suggested to be changed to "supplied signal".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-4 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 recites the limitation “in which arrangement the measuring signal that is filtered in a reference filter and weighting filtered is evaluated in a following evaluation circuit, characterized in that the output signal of the demodulator is fed via a measuring filter to the evaluation circuit”. However, after reviewing the specification and drawings (Fig. 2, and page 3, line 19-page 4, line 21), it is the understanding of the examiner that the signal filtered in a reference signal is a separate signal from the signal which is weighting filtered. The demodulator outputs two signals as shown with reference to Fig. 2. The first signal is filtered in a reference signal and the second signal is weighting filtered. However, the claim recites one measuring signal “that is filtered in a reference filter and weighting filtered”. The claim also recites the limitation “the output signal of the demodulator is fed via a measuring filter to the evaluation circuit”. However, after reviewing the specification and drawings (Fig. 2, and page 3, line 19-page 4, line 21), it is the understanding of the examiner that the demodulator has two output signals, but only one of the output signals is fed through the measuring filter to the evaluation circuit. To overcome this rejection, the separate outputs of the demodulator should be distinguished in the claims using claim language similar to the following:

(starting at line 7 is claim 1) “and in which measuring signals are output from the demodulator, wherein a first measuring signal is filtered in a reference filter and a second

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measuring signal is filtered using a weighting filtered function, both measuring signals are then evaluated in a following evaluation circuit, characterized in that the second measuring signal..."

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 1 recites the limitation "the weighting filter function" in line 14. There is insufficient antecedent basis for this limitation in the claim (to overcome this rejection the use of claim language similar to the suggested claim language above would be appropriate).

9. Claim 1 recites the limitation "the output signal" in line 12. There is insufficient antecedent basis for this limitation in the claim (to overcome this rejection the use of claim language similar to the suggested claim language above would be appropriate).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nowara et al. (U. S. Patent No. 5, 799 038) discloses modulation error measurement using a receive filter and then comparing two measurement signals.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis B. Odom whose telephone number is 703-305-4097. The examiner can normally be reached on Monday- Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Curtis Odom
July 6, 2004



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SUPERVISORY PATENT EXAMINE
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